

**THURSDAY, MARCH 3, 2011**

**ELEVENTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Senator Finney.

**PLEDGE OF ALLEGIANCE**

Senator Finney led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

**STANDING COMMITTEE REPORTS**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 29 and 105; and Senate Joint Resolution No. 18.

MCNALLY, Chairperson  
March 1, 2011

The Speaker announced that he had referred Senate Bills Nos. 29 and 105; and Senate Joint Resolution No. 18 to the Committee on Calendar.

**STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 87, 91, 289, 301 with amendment, 355, 458, 459, 461, 462 with amendment, 490, 609, 626 with amendment and 930; and Senate Joint Resolutions Nos. 67 and 80.

YAGER, Chairperson  
March 1, 2011

## **THURSDAY, MARCH 3, 2011 -- 11TH LEGISLATIVE DAY**

The Speaker announced that he had referred Senate Bills Nos. 87, 91, 289, 301 with amendment, 355, 458, 459, 461, 462 with amendment, 490, 609, 626 with amendment and 930; and Senate Joint Resolutions Nos. 67 and 80 to the Committee on Calendar.

### **JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 52 with amendment, 356, 931, 1087 and 1213 with amendment; also, recommend that Senate Bill No. 329 be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson  
March 1, 2011

The Speaker announced that he had referred Senate Bills Nos. 52 with amendment, 356, 931, 1087 and 1213 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 329 to the Committee on Finance, Ways and Means.

### **EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 61, 330 with amendment, 1528 with amendment and 1646.

GRESHAM, Chairperson  
March 2, 2011

The Speaker announced that he had referred Senate Bills Nos. 61, 330 with amendment, 1528 with amendment and 1646 to the Committee on Calendar.

### **GENERAL WELFARE, HEALTH AND HUMAN RESOURCES**

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 335 with amendment.

CROWE, Chairperson  
March 2, 2011

The Speaker announced that he had referred Senate Bill No. 335 with amendment to the Committee on Calendar.

### **TRANSPORTATION**

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 288 with amendment; also, recommend that Senate Bills Nos. 135, 268, 410 and 453 be referred to Committee on Finance, Ways and Means.

TRACY, Chairperson  
March 2, 2011

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The Speaker announced that he had referred Senate Bill No. 288 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 135, 268, 410 and 453 to the Committee on Finance, Ways and Means.

### GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 160, 188 with amendment, 195, 196 with amendment, 197, 215 with amendment and 218.

WATSON, Chairperson  
March 2, 2011

The Speaker announced that he had referred Senate Bills Nos. 160, 188 with amendment, 195, 196 with amendment, 197, 215 with amendment and 218 to the Committee on Calendar.

### MR. SPEAKER RAMSEY RELINQUISHES CHAIR

Mr. Speaker Ramsey relinquished the Chair to Madam Speaker Pro Tempore Woodson as Speaker pro tempore.

### PRESENTATION

Mr. Speaker Ramsey presented **Senate Joint Resolution No. 89** to the family of Jeff Byrd.

### MR. SPEAKER RAMSEY RESUMES CHAIR

Mr. Speaker Ramsey resumed the Chair.

### MOTION

Senator Yager moved that Rule 83 be suspended for the purpose of allowing the Committee on State and Local Government to meet immediately after Session today to consider **Senate Joint Resolution No. 89**, which motion prevailed.

### MOTION

Senator Ketron moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 116**, out of order, which motion prevailed.

### INTRODUCTION OF RESOLUTION

**Senate Joint Resolution No. 116** by Senator Ketron.  
Memorials, Public Service -- Senator Ferrell Haile.

On motion of Senator Ketron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 116** was adopted.

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A motion to reconsider was tabled.

### MOTION

Senator Bell moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 97**, out of order, which motion prevailed.

### RESOLUTION LYING OVER

**House Joint Resolution No. 97** -- Memorials, Sports -- Cleveland High School wrestling team, State Champions.

On motion of Senator Bell, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 97** was concurred in.

A motion to reconsider was tabled.

### MOTION

Madam Speaker Pro Tempore Woodson moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 99**, out of order, which motion prevailed.

### RESOLUTION LYING OVER

**House Joint Resolution No. 99** -- Memorials, Sports -- Condredge Holloway.

On motion of Madam Speaker Pro Tempore Woodson, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 99** was concurred in.

A motion to reconsider was tabled.

### MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 2083 and 2084** be passed on first consideration, which motion prevailed.

### INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 2083** by Senator Summerville.

New Johnsonville -- As introduced, subject to local approval, changes the term of office for mayor from two years to four years beginning with the August 2012 local election. Amends Chapter 603 of the Private Acts of 1949; as amended.

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**Senate Bill No. 2084** by Senator Summerville.

Elkton -- As introduced, subject to local approval, revises the due dates for property taxes in the City of Elkton. Amends Chapter 431 of the Acts of 1907; as amended and rewritten.

### MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 44, 242, 243, 245, 247, 250, 377, 620, 622, 636, 638, 652 and 662** be passed on first consideration, which motion prevailed.

### HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 44** -- Decatur -- As introduced, subject to local approval, extends terms of aldermen that expire in April 2011 to November 2012 and terms of aldermen and mayor that expire in April 2013 to November 2014 to coincide town elections with general November election. Amends Chapter 58 of the Private Acts of 2003.

**House Bill No. 242** -- Sunset Laws -- As introduced, extends the board of examiners for architects and engineers, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 2, Part 2.

**House Bill No. 243** -- Sunset Laws -- As introduced, extends the board of examiners for nursing home administrators, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 16, Part 1.

**House Bill No. 245** -- Sunset Laws -- As introduced, extends the board of pharmacy, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 10, Part 3.

**House Bill No. 247** -- Sunset Laws -- As introduced, extends the council for hearing instrument specialists, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 17, Part 2.

**House Bill No. 250** -- Sunset Laws -- As introduced, extends the emergency medical services board, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 140, Part 5.

**House Bill No. 377** -- Election Laws -- As introduced, exempts the purging of a person's voter registration after a change of name due to a divorce. Amends TCA Section 2-2-106.

**House Bill No. 620** -- Sunset Laws -- As introduced, extends the department of labor and workforce development, June 30, 2015. Amends TCA Title 4, Chapter 29; Title 4, Chapter 3, Part 1 and Title 4, Chapter 3, Part 14.

**House Bill No. 622** -- Sunset Laws -- As introduced, terminates the board of review, department of labor and workforce development. Amends TCA Title 4, Chapter 29; Section 4-5-319 and Section 50-7-704.

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**House Bill No. 636** -- Sunset Laws -- As introduced, extends the prevailing wage commission, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 12, Chapter 4, Part 4.

**House Bill No. 638** -- Sunset Laws -- As introduced, extends the state unemployment compensation advisory council, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 50, Chapter 7, Part 6.

**House Bill No. 652** -- Sunset Laws -- As introduced, extends the elevator and amusement device safety board, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 121, Part 1.

**House Bill No. 662** -- Sunset Laws -- As introduced, extends the board of boiler rules, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 122, Part 1.

### **MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 112 through 115** be passed on first consideration and lie over, which motion prevailed.

### **INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 112** by Senator Johnson.  
Memorials, Death -- Janice Keck.

**Senate Joint Resolution No. 113** by Senator Crowe.  
Memorials, Public Service -- Donald L. Samuels.

**Senate Joint Resolution No. 114** by Senator Barnes.  
General Assembly, Studies -- Establishes special joint committee to study mental health services on public college and university campuses.

**Senate Joint Resolution No. 115** by Senator Haile.  
Memorials, Interns -- Rex Chamberlain.

### **MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 88, 91, 93 through 95 and 103; Senate Joint Resolutions Nos. 106 through 111; and Senate Resolutions Nos. 11 through 14** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

### **RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

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**House Joint Resolution No. 88** -- Memorials, Recognition -- Bethpage Elementary School, 2010 National Blue Ribbon School.

The Speaker announced that he had referred House Joint Resolution No. 88 to the Committee on Calendar.

**House Joint Resolution No. 91** -- Memorials, Retirement -- Dewayne Oldham.

The Speaker announced that he had referred House Joint Resolution No. 91 to the Committee on Calendar.

**House Joint Resolution No. 93** -- Memorials, Recognition -- Meharry Medical College's Department of Psychiatry and Behavioral Sciences, 50th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 93 to the Committee on Calendar.

**House Joint Resolution No. 94** -- Memorials, Professional Achievement -- Margaret Cole, Altrusa Woman of the Year.

The Speaker announced that he had referred House Joint Resolution No. 94 to the Committee on Calendar.

**House Joint Resolution No. 95** -- Memorials, Recognition -- Henry County Forestry Association named 2010 CFA of the Year by Tennessee Forestry Association.

The Speaker announced that he had referred House Joint Resolution No. 95 to the Committee on Calendar.

**House Joint Resolution No. 103** -- Memorials, Recognition -- Black History Month.

The Speaker announced that he had referred House Joint Resolution No. 103 to the Committee on Calendar.

**Senate Joint Resolution No. 106** -- Memorials, Death -- Abigail Hopper Brown.

The Speaker announced that he had referred Senate Joint Resolution No. 106 to the Committee on Calendar.

**Senate Joint Resolution No. 107** -- Memorials, Recognition -- Roane Medical Center, surgery department ranked at ninety percent or higher for various areas of patient care by U.S. Department of Health and Human Services.

The Speaker announced that he had referred Senate Joint Resolution No. 107 to the Committee on Calendar.

**Senate Joint Resolution No. 108** -- Memorials, Professional Achievement -- Allan Benton, world's best bacon.

The Speaker announced that he had referred Senate Joint Resolution No. 108 to the Committee on Calendar.

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**Senate Joint Resolution No. 109** -- Memorials, Recognition -- Jeff Parsons, named F.O.P. Bud Allison Memorial Lodge #9 Officer of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 109 to the Committee on Calendar.

**Senate Joint Resolution No. 110** -- Memorials, Death -- James Thomas Kelsey.

The Speaker announced that he had referred Senate Joint Resolution No. 110 to the Committee on Calendar.

**Senate Joint Resolution No. 111** -- Memorials, Congress -- Urges Congress to oppose elimination of funding for the Perkins Tech Prep program for the 2011-12 school year.

The Speaker announced that he had referred Senate Joint Resolution No. 111 to the Committee on Finance, Ways and Means.

**Senate Resolution No. 11** -- General Assembly, Review or Ratification of Rules -- Approves the amendments and revisions to the Tennessee Rules of Evidence promulgated by the Supreme Court of Tennessee.

The Speaker announced that he had referred Senate Resolution No. 11 to the Committee on Judiciary.

**Senate Resolution No. 12** -- General Assembly, Review or Ratification of Rules -- Approves the amendments and revisions to the Tennessee Rules of Civil Procedure promulgated by the Supreme Court of Tennessee.

The Speaker announced that he had referred Senate Resolution No. 12 to the Committee on Judiciary.

**Senate Resolution No. 13** -- General Assembly, Review or Ratification of Rules -- Approves the amendments and revisions to the Tennessee Rules of Appellate Procedure promulgated by the Supreme Court of Tennessee.

The Speaker announced that he had referred Senate Resolution No. 13 to the Committee on Judiciary.

**Senate Resolution No. 14** -- General Assembly, Review or Ratification of Rules -- Approves the amendments and revisions to the Tennessee Rules of Criminal Procedure promulgated by the Supreme Court of Tennessee.

The Speaker announced that he had referred Senate Resolution No. 14 to the Committee on Judiciary.

### **CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 105** -- Memorials, Retirement -- Sheriff Leslie Walker Helton.

**Senate Resolution No. 5** -- Memorials, Public Service -- Kendall Gilfillan, 2011 Prudential Spirit of Community Award.



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**Senate Resolution No. 6** -- Memorials, Professional Achievement -- Officer Clayton Cates, 2010 Award for Excellence in Law Enforcement.

**Senate Resolution No. 7** -- Memorials, Professional Achievement -- Detective Brett Kniss, 2010 Award for Excellence in Law Enforcement.

**Senate Resolution No. 8** -- Memorials, Professional Achievement -- Detective Stephanie Cisco, 2010 Award for Excellence in Law Enforcement.

**Senate Resolution No. 9** -- Memorials, Professional Achievement -- Officer Lance Tippit, 2010 Award for Excellence in Law Enforcement.

**House Joint Resolution No. 75** -- Memorials, Personal Occasion -- William Ray Jarman and Carolyn Francis Moore, 50th wedding anniversary.

**House Joint Resolution No. 77** -- Memorials, Public Service -- Evelyn Cook.

**House Joint Resolution No. 78** -- Memorials, Recognition -- Tennessee State FFA Officers 2010-2011.

**House Joint Resolution No. 80** -- Memorials, Retirement -- Charles D. Staley.

**House Joint Resolution No. 81** -- Memorials, Personal Achievement -- John Carney, Eagle Scout.

**House Joint Resolution No. 82** -- Memorials, Recognition -- Mary Ellen "Pug" Kelly Martin.

**House Joint Resolution No. 83** -- Memorials, Professional Achievement -- Robin Epps, Hamblen County Middle School Teacher of the Year.

**House Joint Resolution No. 84** -- Memorials, Professional Achievement -- Mark Herron, Hamblen County High School Teacher of the Year.

**House Joint Resolution No. 85** -- Memorials, Professional Achievement -- Dolores Moore, Hamblen County Elementary School Teacher of the Year.

**House Joint Resolution No. 86** -- Memorials, Death -- Airman 1st Class Christoffer P. Johnson, United States Air Force.

**House Joint Resolution No. 87** -- Memorials, Recognition -- Kappa Alpha Psi Fraternity, 100th anniversary.

**House Joint Resolution No. 90** -- Memorials, Recognition -- James Gill, Gallatin News Examiner's 2010 Person of the Year.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

### **CONSENT CALENDAR NO. 2**

**Senate Bill No. 29** -- Highway Signs -- As introduced, designates segment of State Route 48 in Dickson County as "Brigadier General Noah Daniel Memorial Highway".

**Senate Bill No. 91** -- Public Contracts -- As introduced, restores language to include geothermal heating and cooling projects on the outside of the envelope containing a bid that was erroneously left out of Public Chapter 801 of the Public Acts of 2010 which amended this section. Amends TCA Section 62-6-119.

**Senate Bill No. 105** -- General Assembly, Studies -- As introduced, changes the reporting deadline of the special joint committee to study the capping of utility rates for senior citizens from February 1, 2011, to April 1, 2011. Amends Chapter 1071 of the Public Acts of 2010.

**Senate Bill No. 289** -- Election Laws -- As introduced, clarifies and adds to the duties of county administrators of elections. Amends TCA Title 2, Chapter 12.

**Senate Bill No. 458** -- Tennessee Housing Development Agency -- As introduced, changes membership of audit and budget committee of THDA by replacing the comptroller of the treasury with the state treasurer. Amends TCA Section 13-23-112.

**Senate Bill No. 459** -- Equalization Board -- As introduced, authorizes state board of equalization to maintain certain records in electronic format; revises requirements for form of complaints and appeals filed with the board. Amends TCA Section 67-5-1412; Section 67-5-1512 and Section 67-5-1513.

**Senate Bill No. 461** -- Annexation -- As introduced, requires annexing municipality to record adopted or approved annexation ordinance or resolution with register of deeds in counties where annexation adopted or approved; copy to be sent to comptroller and assessor of property for each affected county. Amends TCA Title 6, Chapter 51, Part 1.

**Senate Bill No. 609** -- Local Government, General -- As introduced, authorizes local governments to establish community gardening programs. Amends TCA Title 43, Chapter 24, Part 1.

**Senate Joint Resolution No. 67** -- Naming and Designating -- Designates March 13, 2011, as "K-9 Veterans Day" in Tennessee.

**Senate Joint Resolution No. 80** -- Naming and Designating -- "Youth Art Month", March 2011.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**LOCAL BILL**  
**CONSENT CALENDAR**

**Senate Bill No. 30** -- Decatur -- As introduced, subject to local approval, extends terms of aldermen that expire in April 2011 to November 2012 and terms of aldermen and mayor that expire in April 2013 to November 2014 to coincide town elections with general November election. Amends Chapter 58 of the Private Acts of 2003.

On motion, Senate Bill No. 30 was made to conform with **House Bill No. 44**.

On motion, House Bill No. 44, on same subject, was substituted for Senate Bill No. 30.

Senator Faulk moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Joint Resolution No. 18** -- Constitutional Amendments -- Proposes an amendment to clarify the constitutional language that currently prohibits the levying of a tax on any class of income, other than income derived from stocks and bonds, and to prohibit any tax levied on or measured by employer payrolls.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the first resolving clause of the resolution and substituting instead the following:

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a majority of all the members of each house

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concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article II, Section 28 of the Constitution of the State of Tennessee be amended by deleting the following sentence:

The Legislature shall have power to levy a tax upon incomes derived from stocks and bonds that are not taxed ad valorem.

and by substituting instead the following:

Notwithstanding the authority to tax privileges or any other authority set forth in this Constitution, the Legislature shall not levy any tax upon personal income or payroll or any tax measured by personal income or payroll, except that the Legislature may levy a tax upon incomes derived from stocks and bonds that are not taxed ad valorem. Nothing contained herein shall be construed as prohibiting any tax in effect on January 1, 2011, or adjustment of the rate of such tax.

On motion, Amendment No. 1 was adopted.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the third RESOLVING clause and substituting instead the following:

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Eighth General Assembly and that this resolution proposing such amendment be published in compliance with Article XI, Section 3 of the Constitution of Tennessee.

On motion, Amendment No. 2 was adopted.

Senator Kelsey moved that the Clerk read the resolution, as amended, which motion prevailed.

The Clerk read the resolution, as amended.

Thereupon, Mr. Speaker Ramsey declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 18**, as amended, had been read.

**Senate Bill No. 106** -- Alcoholic Beverages -- As introduced, allows Franklin Theatre to sell alcoholic beverages for consumption on premises. Amends TCA Section 57-4-102.

**Senate Bill No. 106** passed its third and final consideration by the following vote:

Ayes . . . . .	27
Noes . . . . .	5

Senators voting aye were: Barnes, Berke, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--27.

Senators voting no were: Beavers, Bell, Burks, Campfield and Southerland--5.

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A motion to reconsider was tabled.

Senator Beavers moved that **Senate Bill No. 325** be placed on the Calendar for Thursday, March 10, 2011, which motion prevailed.

**Senate Bill No. 339** -- Livestock -- As introduced, limits liability of a bovine owner for injuries, loss, damage or death of another resulting from bovine activities if the bovine owner maintains proper warning notice on signs, and maintains proper fences and enclosures. Amends TCA Title 29; Title 43 and Title 44.

Senator Haile moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting amendatory subdivision (a)(3) in 44-21-103 in Section 1 in its entirety and by substituting instead the following language:

(3) Commits an act or omission that constitutes negligent disregard for the safety of the person, and that act or omission caused the injury, loss, damage, or death.

Pursuant to Rule 39(3), Amendment No. 1 was adopted by the following vote:

Ayes . . . . .	29
Noes . . . . .	1
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey --29.

Senator voting no was: Kesley--1.

Senator present and not voting was: Ford--1.

Thereupon, **Senate Bill No. 339**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

**MESSAGE CALENDAR**

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 34** -- Flags -- As introduced, requires state flags to be flown at half-staff by political subdivisions during day of mourning declared by the governor for Tennessee National Guard members killed in action. Amends TCA Title 4, Chapter 1, Part 4.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 4-1-406(b), is amended by deleting the subsection in its entirety and substituting instead the following language:

(1) As used in this subsection (b):

(A) "County" includes, but is not limited to, any county having a metropolitan form of government;

(B) "Member of the armed services" or "member" means a citizen of Tennessee who is a member of the Armed Forces of the United States, or a member of a reserve or Tennessee National Guard unit who is called into active military service of the United States, as defined in § 58-1-102, and is stationed outside the United States during hostilities in which military personnel are entitled to combat compensation as determined by the United States Department of Defense; and

(C) "Political subdivision" means county or municipality.

(2) Notwithstanding any law to the contrary, in the event a member of the armed services, while serving honorably, is killed in action or dies as a direct result of injuries sustained from a service connected, combat-related cause, the governor shall proclaim a state-wide day of mourning and shall order the state flag to be flown at half-staff over the state capitol during such period of mourning.

(3) The governor or the governor's designee shall notify the executive official of the political subdivision in which such member of the armed services resided of the deceased member's identity and the date of the day of mourning declared pursuant to subdivision (b)(2). The executive official of the political subdivision, or such official's designee, shall order any state flag hoisted on the property of the political subdivision to be flown at half-staff during such day of mourning.

(4) The names of all members of the armed services for whom a state-wide day of mourning is declared pursuant to subdivision (b)(2) shall be recorded in the journals of the Senate and the House of Representatives.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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Senator Burks moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 34**, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

### MOTION

Senator McNally moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 57, 60, 253, 283, 334 and 376** on the Consent Calendar for the Committee on Finance, Ways and Means for Tuesday, March 8, 2011, which motion prevailed.

### MOTION

Senator Norris moved that the Proposed Schedule for the week of March 7, 2011, be adopted and made the action of the Senate, which motion prevailed.

## TENNESSEE STATE SENATE 107th GENERAL ASSEMBLY

### PROPOSED SCHEDULE FOR THE WEEK OF MARCH 7, 2011

#### MONDAY – March 7

5:00 p.m.	Session – Senate Chamber
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#### TUESDAY – March 8

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:00 p.m.	Judiciary Committee

#### WEDNESDAY – March 9

8:30 a.m.	Session – Senate Chamber
10:00 a.m. – 11:00 a.m.	Education Committee
11:00 a.m. – 12:00 noon	General Welfare, Health & Human Resources Committee
12:00 noon – 1:00 p.m.	Lunch
1:00 p.m. – 2:00 p.m.	Transportation Committee

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2:00 p.m. – 3:00 p.m.	Environment, Conservation & Tourism Committee
3:00 p.m. – 5:00 p.m.	Government Operations Committee

**THURSDAY – March 10**

9:00 a.m. Session – Senate Chamber

NOTE: Government Operations Joint Education Subcommittee, Sunset Hearing (Department of Education & State Board of Education), Monday, March 7, 2011, 1:30 p.m., Room 12LP.

Pre-Commerce meeting, Tuesday, March 8, 2011, at 7:30 a.m., Room 12 LP.

Ad Hoc Committee on Senate Districts 3 & 15 Election Contest, Thursday, March 10, 2011, 10:30 a.m., Room 12 LP.

Committee on Rules meeting, Thursday, March 10, 2011, 10:30 a.m., Room 4A LP.

**RECALL OF BILL**

On motion of Senator Summerville, **Senate Bill No. 444** was recalled from the Committee on State and Local Government.

**WITHDRAWAL OF BILL**

On motion of Senator Summerville, Senate Bill No. 444 was withdrawn from the Senate.

**RECALL OF BILL**

On motion of Senator Ketron, **Senate Bill No. 781** was recalled from the Committee on Commerce, Labor and Agriculture.

**WITHDRAWAL OF BILL**

On motion of Senator Ketron, Senate Bill No. 781 was withdrawn from the Senate.

**RECALL OF BILL**

On motion of Senator Haynes, **Senate Bill No. 584** was recalled from the Committee on State and Local Government.

**WITHDRAWAL OF BILL**

On motion of Senator Haynes, Senate Bill No. 584 was withdrawn from the Senate.

**RECALL OF BILL**

On motion of Senator Overbey, **Senate Bill No. 801** was recalled from the Committee on General Welfare, Health and Human Resources.



**WITHDRAWAL OF BILL**

On motion of Senator Overbey, Senate Bill No. 801 was withdrawn from the Senate.

**RECALL OF BILL**

On motion of Senator Overbey, **Senate Bill No. 1462** was recalled from the Committee on State and Local Government.

**WITHDRAWAL OF BILL**

On motion of Senator Overbey, Senate Bill No. 1462 was withdrawn from the Senate.

**MOTION**

On motion of Senators Tracy and Beavers, their names were added as sponsors of **Senate Joint Resolution No. 105**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bill No. 105; Senate Resolutions Nos. 6, 7, 8 and 9; and House Joint Resolutions Nos. 83 and 85**.

On motion of Mr. Speaker Ramsey, his name was added as sponsor of **House Joint Resolution No. 77**.

On motion of Senators Burks, Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 78**.

On motion of Senator Overbey, his name was added as sponsor of **House Joint Resolution No. 80**.

On motion of Senators Yager and Watson, their names were added as sponsors of **House Joint Resolution No. 82**.

On motion of Senators Ford and Herron, their names were added as sponsors of **House Joint Resolution No. 84**.

On motion of Senators Barnes and Ford, their names were added as sponsors of **House Joint Resolution No. 86**.

On motion of Senators Tate, Marrero, Harper, Ford and Herron, their names were added as sponsors of **House Joint Resolution No. 87**.

On motion of Senators Tracy, Beavers, Harper and Ford, their names were added as sponsors of **House Joint Resolution No. 90**.

On motion of Senators Marrero and Harper, their names were added as sponsors of **Senate Bill No. 609; and Senate Joint Resolution No. 80**.

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On motion of Senators Overbey, Marrero and Harper, their names were added as sponsors of **Senate Joint Resolution No. 67**.

On motion of Senators Haynes, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 99**.

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 116**.

On motion of Senator Yager, his name was added as prime sponsor of **Senate Bill No. 1951**.

On motion of Senator Overbey, his name was removed as sponsor of **Senate Bill No. 1951**.

On motion of Senator Ketron, his name was added as prime sponsor of **Senate Bill No. 764**.

On motion of Senator Woodson, her name was removed as sponsor of **Senate Bill No. 764**.

On motion of Senator Ketron, his name was added as prime sponsor of **Senate Bill No. 828**.

On motion of Senator Yager, his name was added as sponsor of **Senate Bill No. 1531**.

On motion of Senator Ketron, his name was added as sponsor of **Senate Bill No. 1710**.

On motion of Senator Faulk, his name was added as sponsor of **Senate Bill No. 1521**.

On motion of Senator Watson, his name was added as sponsor of **Senate Bills Nos. 827 and 1541**.

On motion of Senator Finney, his name was added as sponsor of **Senate Bills Nos. 577 and 578**.

On motion of Senator Johnson, his name was added as sponsor of **Senate Bills Nos. 829, 1538 and 1539**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bills Nos. 1532 and 1536**.

On motion of Senator Henry, his name was added as sponsor of **Senate Bill No. 135**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Bill No. 1529**.

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On motion of Senator McNally, his name was added as sponsor of **Senate Bills Nos. 1518, 1519, 1520, 1530, 1533 and 1534.**

On motion of Senator Southerland, his name was added as sponsor of **Senate Bills Nos. 81, 1336 and 1537.**

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bill No. 1527.**

On motion of Senator Barnes, his name was added as sponsor of **Senate Bills Nos. 884, 1376 and 1996.**

On motion of Senator Bell, his name was added as sponsor of **Senate Bills Nos. 1254, 1535 and 1643; and House Joint Resolution No. 97.**

On motion of Senator Burks, her name was added as sponsor of **Senate Bill No. 607.**

On motion of Senator Summerville, his name was added as sponsor of **Senate Bill No. 1180.**

On motion of Senator Gresham, her name was added as sponsor of **Senate Bills Nos. 1525, 1739 and 1912.**

**ENGROSSED BILLS**

March 3, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 29, 91, 105, 106, 289, 339, 458, 459, 461 and 609; and Senate Joint Resolutions Nos. 67, 80, 105 and 116; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 3, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 96, 98, 100, 101 and 107; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 3, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 99 and 104, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**THURSDAY, MARCH 3, 2011 -- 11TH LEGISLATIVE DAY**

**ENROLLED BILLS**

March 3, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bill No. 34, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

March 3, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 99 and 104, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

March 3, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 5, 6, 7, 8 and 9; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 3, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 75, 77, 78, 80, 81, 82, 83, 84, 85, 86, 87, 90, 97 and 99; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

March 2, 2011

The Speaker announced that he had signed the following: House Bills Nos. 255, 303, 332 and 659.

**SIGNED**

March 3, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 99 and 104.

**THURSDAY, MARCH 3, 2011 -- 11TH LEGISLATIVE DAY**

**SIGNED**

March 3, 2011

The Speaker announced that he had signed the following: Senate Resolutions Nos. 5, 6, 7, 8 and 9.

**SIGNED**

March 3, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 75, 77, 78, 80, 81, 82, 83, 84, 85, 86, 87, 90, 97 and 99.

**SIGNED**

March 4, 2011

The Speaker announced that he had signed the following: Senate Bill No. 34.

**MESSAGE FROM THE HOUSE**

March 2, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 141, 144 and 145; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 3, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 99 and 104, signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

March 2, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 141, 144 and 145; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

March 3, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 99 and 104, for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**THURSDAY, MARCH 3, 2011 -- 11TH LEGISLATIVE DAY**

**MESSAGE FROM THE GOVERNOR**

March 4, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 52, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 75, 77, 81, 82, 83, 84 and 85; with his approval.

HERBERT H. SLATTERY III,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 7, 2011: Senate Joint Resolutions Nos. 106, 107, 108, 109 and 110; and House Joint Resolutions Nos. 88, 91, 93, 94, 95 and 103.

This the 3rd day of March, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 7, 2011: Senate Bills Nos. 61, 160, 195, 197, 218, 356 and 1087; and Senate Joint Resolution No. 89.

This the 3rd day of March, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 7, 2011: Senate Joint Resolution No. 18; and Senate Bills Nos. 52, 87, 188, 196, 215, 288, 301, 330, 462, 1213, 86 and 102.

This the 3rd day of March, 2011.  
MIKE FAULK, Chairperson.

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 5:00 p.m., Monday, March 7, 2011, which motion prevailed.